

Categorization of Issues (Using the February, 1999 Proposal as Starting Template) with Respect Discretion Under Federal Law

Code ([1] = specific language mandated by federal; [2] = fed mandate to address concept but manner is state discretion with fed approval; [3] = no fed mandate but state option) (italics are other ideas for consideration since the 1999 proposal)

ANTIDEGRADATION

1. Applicability of standards to all waters ----- [1]
2. Definitions
3. Maintenance of standards
 - Tier I parameter situation ----- [2], choose mostly federal language
 - Tier II parameter situation ----- [2], choose mostly federal language
 - OSRW water body ----- [3]
 - ONRW water body ----- [1]
 - thermal ----- [1]
4. Implementation of antidegradation for BCC **
 - Great Lakes Basin ----- [2] *
 - outside Great Lakes Basin ----- [3]
5. Implementation of antidegradation for nonBCC --- [2] *
 - toxic chemicals that are persistent* --- [3]
 - OSRW overall improvement* ----- [3] **
6. Situations with no significant lowering of water quality standards ---- [3] *, **
7. Antidegradation demonstration and determination [2] *
(with much state discretion about the nature of the decision)

OTHER ISSUES

8. Criteria for designation of OSRW ----- [3] **
9. Procedures for selecting OSRW ----- [3] **
10. Public participation in permit decisions ----- [2]

* 1) There is an existing Indiana implementation rule for antidegradation for the Great Lakes Basin, but not for the rest of the state. The existing Indiana Great Lakes regulation can remain the same through this rulemaking process, can be used as a model for rest of the state or can itself be modified as appropriate.

** 2) State law SEA 431 requires rulemaking to address but does not specify language.